

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 262 OF 2013

UNION OF INDIA

Appellant(s)

VERSUS

MD.KALIM @ MOHD.KALIM ANSARI

Respondent(s)

O R D E R

- 1) This appeal arises out of the judgment of the High Court of Patna in and by which the High Court reversed the conviction of the respondent-accused under Section 20(b)(ii)(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short "the Act") for the alleged transportation of 575 kgs of Ganja in the truck.
- 2) Two accused, namely, Md. Kalim - the respondent herein and another one - Lal Babu Mian were tried under Sections 20 (b)(ii)(c) and 23(c) of the Act.
- 3) The trial Court has convicted the respondent-accused and acquitted the other accused Lal Babu Mian.
- 4) Being aggrieved by the conviction, the respondent-accused preferred an appeal before the High Court whereby the High Court, by the impugned judgment, reversed the verdict of conviction and acquitted the accused.
- 5) The case of the prosecution is that the respondent-accused was driving the truck in question, which carried 575 kgs of Ganja. As pointed out by the High Court, excepting the statement of the

respondent-accused that he was the driver of the vehicle, there was no other substantive evidence to bring home the point that the respondent-accused was the driver of the truck in question.

6) Learned senior counsel appearing for the appellant-Union of India has drawn our attention to Annexure-P8 - the statement of Ram Janam Prasad-owner of the truck recorded under Section 67 of the Act by the Investigating Officer. It is said to be pointed out that the owner of the truck was not examined in the Court to substantiate the statement so recorded under Section 67 of the Act.

7) As pointed out by the High Court even though the respondent-accused was standing behind the truck, there was no corroborative evidence worth-saying to prove that the respondent-accused was the driver of the vehicle.

8) On the material available, when there are two reasonable views, of which the High Court has adopted one view, which is a plausible one, in our opinion, the judgment of the High Court cannot be said to be suffering from serious and substantial error warranting interference.

9) We are, therefore, not inclined to interfere with the impugned judgment of the High Court.

10) Accordingly, the appeal is dismissed.

..... J.
(R. BANUMATHI)

..... J.
(VINEET SARAN)

New Delhi;
August 30, 2018.

ITEM NO.108

COURT NO.12

SECTION II-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Criminal Appeal No(s). 262/2013

UNION OF INDIA

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VERSUS

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Respondent(s)

Date : 30-08-2018 This appeal was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE R. BANUMATHI
HON'BLE MR. JUSTICE VINEET SARANFor Appellant(s) Mr. Ashok Kumar Panda, Sr. Adv.
Mrs. Nisha Bagchi, Adv.
Mr. Manish Pushkarna, Adv.
Ms. Pooja Sharma, Adv.
Mr. B. Krishna Prasad, AORFor Respondent(s) Mr. S. Ravi Shankar, AOR
Mrs. S. Yamunah Nachiar, Adv.
Ms. Pernika Jain, Adv.UPON hearing the counsel the Court made the following
O R D E R

The appeal is dismissed in terms of the signed order.

Pending applications, if any, stand disposed of.

(R. NATARAJAN)
COURT MASTER (SH)(PARVEEN KUMARI PASRICHA)
BRANCH OFFICER

(Signed order is placed on the file)